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Attorneys for Defendant
TWIN CITY FIRE INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRADEN PARTNERS, LP, d/b/a PACIFIC
PULMONARY SERVICES, a California limited
partnership, and TEIJIN PHARMA USA, LLC,
d/b/a PACIFIC PULMONARY SERVICES, a
Delaware limited liability company;

Plaintiffs,

v.

TWIN CITY FIRE INSURANCE COMPANY,
a Connecticut corporation;

Defendant.

Case No. 14-cv-01689-JST

**STIPULATION FOR VOLUNTARY
DISMISSAL WITH PREJUDICE**

1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Civil Local Rule 7-12,
3 Plaintiffs Braden Partners, LP, and Teijin Pharma USA, LLC (together, “Pacific Pulmonary
4 Services”) on the one hand, and Defendant Twin City Fire Insurance Company (“Twin City”) on
5 the other hand, by and through their respective undersigned counsel of record, hereby stipulate as
6 follows:

7 **RECITALS**

8 WHEREAS, on April 11, 2014, Pacific Pulmonary Services initiated the above-captioned
9 coverage action against Twin City regarding Twin City’s coverage obligations related to certain
10 underlying claims, ECF No. 1, and amended its complaint on August 28, 2015, ECF No. 103;

11 WHEREAS, on December 20, 2016, the Court issued an order regarding the parties’
12 cross-motions for partial summary judgment, ECF No. 169;

13 WHEREAS, in January 2017, Twin City noticed an appeal of the Court’s December 20,
14 2016 order to the U.S. Court of Appeals for the Ninth Circuit, No. 17-15136; and

15 WHEREAS, on April 13, 2017, Pacific Pulmonary Services and Twin City entered into a
16 settlement agreement resolving Pacific Pulmonary Services’ claims in this coverage action and
17 Twin City’s coverage appeal;

18 **IT IS HEREBY STIPULATED AND AGREED**

19 by and between Pacific Pulmonary Services and Twin City pursuant to Federal Rule of
20 Civil Procedure 41(a)(1)(A)(ii) that this action shall be dismissed with prejudice with each party
21 bearing its own attorneys’ fees, costs and expenses.

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Respectfully submitted,

Dated: April 25, 2017

MAYNARD, COOPER & GALE, LLP

By: /s/ Christopher C. Frost

CHRISTOPHER C. FROST

Attorneys for Defendant

TWIN CITY FIRE INSURANCE COMPANY

Dated: April 25, 2017

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Darren S. Teshima

DARREN S. TESHIMA

Attorneys for Plaintiffs

BRADEN PARTNERS, LP and

TEIJIN PHARMA USA, LLC

The filer of this document attests that concurrence in the filing has been obtained from the other signatory, Christopher C. Frost of Maynard, Cooper & Gale, LLC.

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Darren S. Teshima

DARREN S. TESHIMA

Attorneys for Plaintiffs

BRADEN PARTNERS, LP and

TEIJIN PHARMA USA, LLC

PROPOSED ORDER

PURSUANT TO STIPULATION, the Court hereby dismisses this action with prejudice.

IT IS SO ORDERED.

Dated: April 26, 2017



JON S. TIGARD
United States District Judge